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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,189	01/25/2002	Sarah E. Campbell	D/A1496 (1508/3550)	9199
7590 Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/055,189	Applicant(s) CAMPBELL ET AL.	
	Examiner Yixing Qin	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-13,15-17,19-23,25-27 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-13,15-17,19-23,25-27 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 11/29/07, all requested changes have been entered.

Election/Restrictions

Applicant's election without traverse of Group I (claims 1, 11 and 21, and their dependent claims 2-3, 5-7, 9-10, 12-13, 15-17, 19-20, 22-23, 25-27 and 29-39) in the reply filed on 11/29/07 is acknowledged.

Response to Arguments

Applicant's arguments filed 11/29/07 have been fully considered. The prior art references are directed towards a single vendor while the newly amended claims are directed towards obtaining information regarding a plurality of suppliers. A new reference, Istvan (U.S. PG Pub. No. 2002/0042747), discloses a printer monitoring system that obtains purchasing information for consumables from a plurality of online vendors. While the previously cited references are directed towards one vendor, certain concepts from those references may still apply in a multi-vendor system. The Istvan reference does not explicitly state if the monitoring system is in the printer, but according to the previously cited references, it would have been obvious to place this monitoring system in the printer in Istvan's system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-13, 19-23 and 29-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Istvan (U.S. PG Pub. No. 2002/0042747).

Regarding claims 1, 11, 21, Istvan discloses a method comprising:

The Istvan reference discloses monitoring and ordering consumables for a printer using a monitoring system 1300.

It does not explicitly disclose that this monitoring system is in a printer.

However, it would have been obvious to have this in a printer. As shown in the other printers in the prior art, the monitoring/ordering system has been known to be placed inside a printer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the monitoring system in the printer.

The motivation would have been to allow for easier usage if the printer were to be used for standalone access or to be used in different systems.

Therefore, it would have been obvious to place the monitoring system inside the printer obtain the invention as specified.

requesting, with a peripheral device via a communications network connected to the peripheral device, an identity of at least one supplier a plurality of suppliers for at least one consumable for the peripheral device; (P[0075] – user customization component 1320 is used to retrieve cartridge models for the printer 1202, the on-line suppliers with pricing and ordering information...)

receiving, at the peripheral device via the communications network, information identifying at least one supplier a plurality of suppliers for the at least one consumable based-on in response to the request; (P[0075] – later in the paragraph, Istvan discloses that the on-line information may be retrived using the interactive system 100 of Fig. 1) and

indicating, with the peripheral device, one of the identified at least one supplier plurality of suppliers to submit an order for the at least one consumable to the indicated supplier based on the received information, via the communication network. (P[0095] – on-line shopping component 1314 facilitates on-line ordering.)

Regarding claims 2, 12, 22, Istvan discloses the method as set forth in claim 1, further comprising indicating, at the peripheral device, when replacement of at least one of the consumables in the peripheral device is recommended, wherein the request is based on the indication of the recommended replacement. (P[0028])

Regarding claims 3, 13, 23, Istvan discloses the method as set forth in claim 31, further comprising retrieving information about the peripheral device making the request, wherein the identifying the at least one supplier plurality of suppliers is based on the retrieved information. (P[0007], P[0075] – suitable cartridge or printer model is identified so that appropriate vendors can be identified)

Regarding claims 9, 19, 29, Istvan discloses processing the submitted order; (P[0095]) and

supplying the at least one consumable for the peripheral device. (P[0098] – while Istvan does not explicitly disclose supplying the consumable, the user is to enter shipping information. One skilled in the art knows that the consumable is to be shipped to the appropriate address)

Regarding claims 10, 20, 30, Istvan discloses wherein the processing the submitted order further comprises receiving a payment for the at least one consumable. (P[0098] – shows that users' wallet information are used to charge the user for the consumable)

Regarding claims 31., 32, Istvan discloses receiving the request, (P[0012], P[0075]) and

identifying the at least one supplier plurality of suppliers for the at least

one consumable based on the received request. (P[0075] – as discussed in claim 1 above)

Regarding claims 33, Istvan discloses the system as set forth in claim 21, comprising an identification system for receiving the request and identifying the at least one supplier plurality of suppliers for the at least one consumable based on the request (P[0075] - on-line information may be retrieved using the interactive system 100 of Fig. 1)

Regarding claims 34, 35, 36, Istvan discloses the method as set forth in claim 1, wherein further comprising at least one of displaying said indicating the identified at least one supplier comprises at least one of displaying received identification information and printing said received identification information. (Istvan discloses a browser in Fig. 9. It would have been obvious that on-line vendor information is displayed here when it is obtained)

Regarding claims 37, 38, 39, Istvan discloses the method as set forth in claim 1, wherein the peripheral device is a device selected from a printer, a copy machine, and a facsimile machine. (Istvan discloses a printer 1202)

Claims 5-7, 15-17, 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Istvan (U.S. PG Pub. No. 2002/0042747) in view of Office Depot (prior art reference cited from previous office action dated 11/04/05)

Regarding claim 5, 15, 25, the Istvan reference discloses in P[0008] that a web browser is launched to provide online shopping capabilities to the user

It does not explicitly disclose "wherein the received information further comprises information identifying a quantity of the at least one consumable at each of the identified plurality of suppliers, and the method further comprising the step of displaying or printing each identified quantity of the at least one consumable."

However, the previously cited Office Depot archived website from the action dated 11/04/05 shows the Office Depot website showing various printer cartridges to be ordered. One skilled in the art would appreciate that one would be able to obtain a pricing, quantity, or location (e.g. closest store) from the website. One skilled in the art would also appreciate, that since the Istvan reference gathers information from a plurality of suppliers, that information from multiple sites can be obtained, i.e. from Office Depot, Best Buy, etc. to show information regarding the consumable from multiple sites.

Istvan and Office Depot are combinable because Istvan allows for browser capabilities, which allow for access to websites that display the necessary information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have showed a user the various information needed to order

The motivation would have been to allow an user to see and compare prices/availability/proximity as various factors in ordering an item.

Therefore, it would have been obvious to combine Istvan and Office Depor to obtain the invention as specified.

Regarding claims 6, 16, 26, these claims have been address in claim 5 above.

Regarding claims 7,17, 27, these claims have been address in claim 5 above.

Note also that the various prior art references used in the previous office action (Suyehira, Parry, Shibata) to show that quantity, pricing and location of the consumable can be obtained for at least one supplier. Istvan's browser provides an easy way for the displaying of this information. Combined with Istvan's obtaining of plural supplier information, the combination of Istvan and the other prior art references would also render these claims obvious.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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